IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 29868 of 2004(E)

PETITIONER:

MOHAMMED HAJI, S/O. LATE ALAVIKUTTY,
INDANNOOR AMSOM, DESOM, TIRUR TALUK, MALAPPURAM.

BY ADV. SRI.K.R.KURUP
SRI.C.R.SYAMKUMAR
SRI.K.J.ABRAHAM

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, MALAPPURAM.

2. THE TAHSILDAR,
TIRUR, MALAPPURAM DISTRICT.

3. THE VILLAGE OFFICER,
KOTTACKAL VILLAGE, MALAPPURAM.

BY GOVT.PLEADER SMT.N.SUDHA DEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE ORDER DT. 11.11.2002 OF THE DIST.SUPDT. OF THE SURVEY AND LAND RECORDS, MALAPPURAM.

EXT.P2 : TRUE COPY OF THE JUDGMENT DT. 6.6.2003 IN W.P.C.NO.17505/03.

EXT.P3 : TRUE COPY OF THE ORDER OF THE DEPUTY DIRECTOR OF SURVEY AND LAND RECORDS, MALAPPURAM DT. 24.12.2003.

EXT.P4 : TRUE COPY OF THE NOTICE DT. 17.7.2004 ISSUED BY THE 2ND RESPONDENT.

EXT.P5 : TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT DT. 31.8.2004.

EXT.P6 TRUE COPY OF THE TAX RECEIPT DT. 22.2.1997.

TGS

KURIAN JOSEPH J.

W.P.(C) No.29868 of 2004

Dated 17th August, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus or other appropriate writ, direction or order directing the 3rd respondent to receive the basic tax for the property in question from the petitioner forthwith."

It is submitted that the tax has been received upto 1997 and thereafter, without assigning any reason, the authorities have refused to receive the tax. Petitioner has submitted Ext.P5 representation before the first respondent. There is no counter affidavit. There will be a direction to the first respondent to look into Ext.P5 and take appropriate action thereon in accordance with law, taking note of Exts.P3, P6 and other relevant documents, within three months from the date of production of a copy of the judgment by the petitioner. It is made clear that in view of the pendency of the writ petition and the request before the District Collector, in the event of there being an order to receive the tax, there shall be no liability for the petitioner to pay interest.

KURIAN JOSEPH, JUDGE.

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